

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>CARVER BENSON, et al.</b>	:	<b>CIVIL ACTION</b>
<b>Plaintiffs,</b>	:	
<b>v.</b>	:	<b>No.: 09-cv-3194</b>
	:	
<b>GIANT FOOD STORES, LLC, et al.</b>	:	
<b>Defendants.</b>	:	

**ORDER**

AND NOW, this 22nd day of December, 2011, upon consideration of Defendant's Motion For Attorney Fees and Expenses (Doc. No. 93), Plaintiffs' Answer in Opposition (Doc. No. 94), and Defendant's Reply (Doc. No. 100), and following oral argument and supplemental briefing,<sup>1</sup> it is hereby ORDERED that Defendant's motion is DENIED.<sup>2</sup>

It is FURTHER ORDERED that Plaintiffs' request attorney fees pursuant to Federal Rule of Civil Procedure 11 is DENIED.

BY THE COURT:

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/s/ Lynne A. Sitarski  
LYNNE A. SITARSKI  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> On March 18, 2011, Defendant filed a Supplemental Brief. (Doc. No. 124). On March 25, 2011, Plaintiffs filed a Supplemental Brief, and Defendant filed a Second Supplemental Brief. (Doc. Nos. 126, 127).

<sup>2</sup> The Court declines to award Defendant attorney fees incurred prior to trial or those incurred responding to Plaintiffs' Motion for a New Trial, Plaintiffs' Motion for Reconsideration, and Plaintiffs' request for attorney fees.